

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA *ex rel.*,
STEPHEN A. KRAHLING and JOAN A.
WLOCHOWSKI,

Plaintiffs,

v.

MERCK & CO., INC.,

Defendant.

Civil Action No. 10-4374 (CDJ)

**DEFENDANT MERCK'S MOTION TO SEAL
MERCK'S RESPONSE IN OPPOSITION TO
RELATORS' MOTION FOR SUMMARY JUDGMENT**

Defendant Merck Sharp & Dohme Corporation, formerly known as Merck & Co., Inc. ("Merck"), respectfully requests permission to file under seal its Response in Opposition to Relators' Motion for Summary Judgment, Response to Relators' Statement of Undisputed Material Facts under Rule 56, and the accompanying declaration and exhibits (collectively, "Response").

Merck's Response refers to information designated in this litigation as "Confidential" or "Highly Confidential – Attorneys' Eyes Only" under the Protective Order (Dkt. 69), which provides: "In the event a Party wishes to use any Protected Material or any papers containing or making reference to the content of such material in any pleading or document filed with the Court in these Actions, such pleading or document and any appended Protected Material shall be filed under seal pursuant to the Local Rules of Civil Procedure for the Eastern District of Pennsylvania until such time as the Court orders otherwise or denies permission to file under

seal.” (*Id.* at 15.) Accordingly, Merck respectfully requests permission to file its Response under seal.

DATED: November 26, 2019

Respectfully submitted,

/s/ Lisa C. Dykstra

Eric W. Sitarchuk
Lisa C. Dykstra
R. Brendan Fee
Margaret E. Rodgers Schmidt
MORGAN, LEWIS & BOCKIUS LLP
1701 Market Street
Philadelphia, PA 19103
Telephone: 215-963-5000
eric.sitarchuk@morganlewis.com
lisa.dykstra@morganlewis.com
brendan.fee@morganlewis.com
margaret.rodgers-schmidt@morganlewis.com

Dino S. Sangiamo
Sally W. Bryan
VENABLE LLP
750 E. Pratt Street, Suite 900
Baltimore, MD 21202
Telephone: 410-244-7400
DSSangiamo@Venable.com
SRBryan@Venable.com

Neal K. Katyal
Jessica Ellsworth
HOGAN LOVELLS US LLP
555 Thirteenth Street NW
Washington, DC 20004
Telephone: 202-637-5600
neal.katyal@hoganlovells.com
jessica.ellsworth@hoganlovells.com

Counsel for Defendant
Merck Sharpe & Dohme, Corp.
(f/k/a Merck & Co. Inc.)